



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/812,901

03/31/2004

Paul Tucker

16113-339001/GP-221-00-US

4995

26192 7590 07/23/2009

FISH & RICHARDSON P.C.

PO BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

BETT, JACOB F

ART UNIT

PAPER NUMBER

2169

NOTIFICATION DATE

DELIVERY MODE

07/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/812,901	Applicant(s) TUCKER ET AL.	
	Examiner Jacob F. B��tit	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C.   133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 3-23 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C.   119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C.   119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 May 2009 has been entered.

Remarks

2. In response to communications filed on 1 May 2009, claims 1, 23, and 31 have been amended per the applicant's request. Claims 1, 3-23, 25-32 are presently pending in the application of which claim 32 is withdrawn from further consideration.

Election/Restrictions

3. Claim 32 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 14 December 2007.

Claim Objections

4. Claims 1, 3-23, 25-31 are objected to because of the following informalities:

Claims 1, 23, and 31 recite the limitation "wherein the one portion of the second content". The claims previously refer to "at least one portion of the second content". Therefore,

Art Unit: 2169

it is believed it was meant --wherein the at least one portion of the second content--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-7, 9-19, 22, 23, 25, 26, 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Fables et al. (U.S. patent No. 6,895,406 B2).

As to claim 1, Fables et al. teaches method comprising:

populating a computer memory, wherein populating the computer memory comprises:

receiving, at a computer system, a first search query having first content, the first content comprising a plurality of search terms forming a phrase (see column 5, lines 38-44);

rewriting the first search query, based on the phrase, into a modified search query (see column 5, lines 11-37); and

mapping, with the computer system, the first search query to the modified search query in the memory to produce a mapping stored in the memory that correlates the first search query to the modified search query (see column 4, lines 43-64); and

subsequently processing a second search query including:

Art Unit: 2169

receiving the second search query having second content (see column 28, lines 28-47);

determining whether at least one portion of the second content matches the first content (see column 5, line 62 through column 6, line 5); and

responsive to the at least one portion of the second content matching the first content, executing a computerized search that includes the modified search query in place of the at least one portion of second search query and returning one or more corresponding search results as responsive to the received second search query (see column 5, lines 11-37);

wherein the one portion of the second content that matches the first content is replaced by the modified search query (see column 7, line 49 through column 9, line 19).

As to claim 3, Fables et al. teaches further comprising: responsive to the second content not comprising any portion that matches the first content, executing a search of the received second search query (see column 6, lines 28-47).

As to claim 4, Fables et al. teaches wherein the memory comprises a look-up table for the mapping (see figure 2).

As to claim 5, Fables et al. teaches wherein the search of the modified second search query is executed by a backend data system (see column 12, lines 6-19).

Art Unit: 2169

As to claim 6, Fables et al. teaches wherein the backend data system is physically apart from the memory and comprises one or more databases having data to be searched (See column 12, lines 6-19).

As to claim 7, Fables et al. teaches wherein the memory comprises a look-up table mapping the first search query to the modified search query (see figure 2); and wherein the backend data system is physically apart from the memory and comprises one or more databases having data to be searched (see column 12, lines 6-19).

As to claim 9, Fables et al. teaches wherein the step of rewriting the first search query into the modified search query comprises:

determining that the first search query is frequently received (see column 6, lines 49-58);
issuing the first search query to the backend data system to find information related to the first search query (see column 5, lines 45-61);
determining additional content for the first search query based on the related information; and rewriting the first search query into a modified search query having the first content and the additional content (see column 4, lines 43-64).

As to claim 10, Fables et al. teaches wherein the step of rewriting the first search query into the modified search query comprises:

determining a more common or popular phrase or term for the first content of the first search query (see column 5, line 62 through column 6, line 5; and

Art Unit: 2169

rewriting the first search query into the modified search query having the more common or popular phrase or term in place of the first content (see column 5, lines 11-37).

As to claim 11, Fables et al. teaches wherein the first and second search queries are received at a first system of a search site, and the search of the modified search query is issued by a search engine in the first system (see column 5, lines 45-61).

As to claim 12, Fables et al. teaches wherein the first system of the search site comprises cache memory (see column 11, line 61 through column 12, line 5, where it is implicit to one having ordinary skill in the art that computer processors include cache memory).

As to claim 13, Fables et al. teaches wherein the memory is physically apart from the first system of the search site (see column 12, lines 6-19).

As to claim 14, Fables et al. teaches wherein the step of rewriting is performed by the first system of the search site (see column 12, lines 6-19).

As to claim 15, Fables et al. teaches wherein the steps of mapping and determining are performed by the first system of the search site (see column 12, lines 6-19).

As to claim 16, Fables et al. teaches wherein the memory is a database in a memory system of the search site, and the steps of mapping and determining are performed by the

Art Unit: 2169

memory system (see column 11, line 61 through column 12, line 5).

As to claim 17, Fables et al. teaches wherein the memory is a database in a memory system of the search site, and the step of rewriting is performed with the memory system (see column 11, line 61 through column 12, line 5).

As to claim 18, Fables et al. teaches wherein the steps of mapping and determining are performed by the memory system (see column 11, line 61 through column 12, line 5).

As to claim 19, Fables et al. teaches wherein the steps of mapping and determining are performed by the first system of the search site (see column 11, line 61 through column 12, line 5).

As to claim 22, Fables et al. teaches wherein the step of rewriting the first search query into the modified search query comprises: determining an additional phrase or term for the first content of the first search query; and augmenting the first search query with the additional phrase or term (see column 5, lines 11-37).

As to claim 23, Fables et al. teaches computer-readable storage device having computer-executable instructions contained therein for performing a method, the method comprising:
populating a computer memory, wherein populating the computer memory comprises:

Art Unit: 2169

receiving at a computer system a first search query having first content, the first content comprising a plurality of search terms forming a phrase (see column 5, lines 38-44);

rewriting the first search query, based on the phrase, into a modified search query (see column 5, lines 11-37); and

mapping, with the computer system the first search query to the modified search query in the memory to produce a mapping stored in the memory that correlates the first search query to the modified search query (see column 4, lines 43-64); and

subsequently processing a second search query including:

receiving the second search query having second content (see column 6, lines 28-47);

determining whether at least one portion of the second content matches the first content (see column 5, line 62 through column 6, line 5); and

in response to the at least one portion of the second content matching the first content, issuing a computerized search that includes the modified search query in place of the at least one portion of the second search query, to a backend data system to return one or more corresponding search results as responsive to the received second search query (see column 5, lines 11-37),

wherein the one portion of the second content that matches the first content is replaced by the modified search query (see column 7, line 49 through column 8, line 19).

As to claim 25, the applicant is directed to the citations for claim 3 above.

Art Unit: 2169

As to claim 26, the applicant is directed to the citations for claim 4 above.

As to claim 28, the applicant is directed to the citations for claim 9 above.

As to claim 29, the applicant is directed to the citations for claim 10 above.

As to claim 30, the applicant is directed to the citations for claim 22 above.

As to claim 31, Fables et al. teaches method comprising:

populating a computer memory, wherein populating the computer memory comprises:

receiving at a computer system search interface a plurality of instances of a first search query having a first plurality of search terms forming a phrase (see column 5, lines 38-44);

determining an indicator of frequency with which the first search query has been received at the search interface (see column 5, lines 11-37);

when the first search query is determined, based on the indicator of frequency, to be among a group of most frequently received queries relative to other queries received at the search interface that are different than the first search query, rewriting the first search query, based on the phrase, into a modified search query having a second plurality of search terms that are different in content or order than the first plurality of search terms, and mapping, with the computer system, the first search query to the modified search query in the memory to produce a

Art Unit: 2169

mapping stored in the memory that correlates the first search query to the modified search query (see column 4, lines 43-64; and

subsequently processing a second search query including:

receiving the second search query (see column 6, lines 28-47);

determining that at least one portion of the second query matches one or more of the first plurality of search terms (see column 5, line 62 through column 6, line 5); and

executing a computerized search of the modified search query in place of the at least one portion of the second search query, and returning one or more corresponding search results as responsive to the received second search query (see column 5, lines 11-37,

wherein the one portion of the second query that matches the one or more of the first plurality of search terms is replaced by the modified search query (see column 7, line 49 through column 8, line 19).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 20, 21, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Fables et al. in view of the Examiner's Official Notice.

As to claim 8, Fables et al. teaches the step of executing the search is performed online upon receiving the second search query (see column 5, lines 45-61).

Art Unit: 2169

However, Fables et al. does not distinctly disclose wherein the step of mapping is performed offline prior to the step of receiving the second search query and teaches the mapping occurring in real time so that the profile is updated dynamically (see column 2, lines 42-65).

The Examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time of the invention to have performed the mapping offline in order to free up resources making the system perform faster with the consequence of not having a updated mapping available immediately for the user's next search.

As to claim 20, Fables et al. does not distinctly disclose wherein the memory comprises a memory chip.

However, the Examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time of the invention to have used a memory chip because a memory chip would allow for fast access to data stored thereon with the consequence of costing more to store data than on a disk or tape memory.

As to claim 21, Fables et al. does not distinctly disclose wherein the memory comprises a disk-storage memory device.

However, the Examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time of the invention to have used a disk because a disk would allow for storage that is faster than tape media while costing less than a memory chip.

As to claim 27, the applicant is directed to the citations for claim 8 above.

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Examiner, Art Unit 2169

jfb
20 Jul 2009